

DRAFT**PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory J. Rajala et al.) Examiner: Unknown
Serial Number: 08/382,108) Group Art Unit: Unknown
Filed: January 31, 1995) Docket No. 11,128
For: DISPOSABLE GARMENT AND RELATED MANUFACTURING EQUIPMENT AND METHODS) Date: October 16, 1995

Assistant Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage prepaid envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

(Date)

Kimberly-Clark Corporation
Neenah, Wisconsin 54956
(414) 721-2000

COMMUNICATION

We, Gregory John Rajala and Paul Daniel Suke, hereby declare that we have no knowledge as to how the error occurred in inventorship in the above-identified patent application, and we agree with the requested correction of inventorship to include Steven Craig Gehling.

We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated this 16th day of October, 1995.

Gregory John Rajala

Paul Daniel Suke

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RELATED MANUFACTURING
EQUIPMENT AND METHODS

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PETITION UNDER 1.183

This petition for suspension of the rules under 37 C.F.R. 1.183 is being submitted in response to the "REQUIREMENT FOR INFORMATION RE PETITION UNDER 37 CFR 1.48(a)" mailed September 29, 1995 in the above-identified patent application. The omission of Mr. Steven Craig Gehling as a joint inventor at the time of filing the application was the result of a clerical error and was without any deceptive intent (see original petition as to verified facts). Accordingly, the original inventors named in the transmittal papers would not have any knowledge as to how the error occurred. Suspension of the requirement under Rule 1.48(a) for a verified statement of facts from each inventor is respectfully requested.

Accompanying this Rule 1.183 petition is a written consent of the assignee to change inventorship in this patent application and a Certificate under 37 C.F.R. 3.73 (b) establishing ownership of any rights in the patent.

Respectfully Submitted,

By:

Mark L. Davis
Attorney for Applicant(s)
Registration No. 34,574

KIMBERLY-CLARK CORPORATION
401 North Lake Street
Neenah, WI 54956
Telephone: 414-721-2985

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

Donald L. Traut
KIMBERLY-CLARK CORPORATION
401 North Lake Street
Neenah, Wisconsin 54956

In re Application of
Gregory J. Rajala, et al.
Application No. 08/382,108
Filed: January 31, 1995
Attorney Docket No. 11128

:
: REQUIREMENT FOR INFORMATION
: RE PETITION UNDER 37 CFR
: 1.48(a)
:

Jh
10.11.95
AK
This letter is in response to the petition under 37 CFR 1.53(b) filed April 4, 1995, supplying an additional name of an inventor in the instant application, which will be treated as a petition under 37 CFR 1.48(a), requesting correction of the inventorship in the application. The petition is being decided by the undersigned rather than in the examining group so that application processing, including the issuance of a filing receipt, may proceed with the actual inventors being named in the application.

The petition under § 1.48(a) to correct the inventorship cannot be granted at this time.

Applicants are given TWO MONTHS from the date of mailing of this Requirement for Information to correct the deficiency noted below (verified statements of facts from the original named inventors and written consent of assignee including § 3.73 certificate). Failure to respond completely to the Requirement will result in abandonment of the application. The time for response, however, may be extended by compliance with the provisions of 37 CFR 1.136(a).

Facts
The instant application was filed on January 31, 1995, pursuant to 37 CFR 1.53(b) without an executed oath or declaration under 37 CFR 1.63 and named as the inventors: Gregory John Rajala and Paul Daniel Suke.

Application Processing Division mailed a Notice to File Missing

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Parts of Application under 37 CFR 1.53(b) on March 9, 1995, requiring a properly signed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late submission.

In response to the Notice to File Missing Parts of Application, applicants timely filed on April 4, 1995, inter alia, the instant petition including a verified statement of facts, a Combined Declaration and Power of Attorney under 37 CFR 1.63, and authorization to charge Deposit Account No. 11-0875 \$130 for the fee under 37 CFR 1.17(i)(1) and \$130 for the surcharge. The surcharge has been charged to Deposit Account No. 11-0875 per applicants' authorization.

A petition under 37 CFR 1.53 is appropriate where the inventive entity, as required by 37 CFR 1.41(a), has not been set forth at all and where, as in the case of "Smith et al." with "et al." undefined, it is clear on its face that the original inventive entity was incomplete. Where the original inventive entity in a filing under § 1.53(b) has been set forth in error, but appears appropriate, the Office requires the higher level of scrutiny afforded under § 1.48(a) for correcting thereof. MPEP 201.03, page 200-3, Applications filed under 37 CFR 1.53(b).

Accordingly, the petition under § 1.53(b) will be treated under § 1.48(a). Applicants' authorization to charge Deposit Account No. 11-0875 for the fee under 37 CFR 1.17(i)(1) has been treated instead as authorization to charge the required fee under § 1.48(a). Accordingly, \$130 has been charged to Deposit Account No. 11-0875 for the fee required under § 1.48(a).

37 CFR 1.48(a) requires a verified statement of facts from the original named inventors as to how the error occurred and when it was discovered as well as a written consent of any existing assignee absent a petition under 37 CFR 1.183 for waiver of those requirements (MPEP 201.03, page 200-4, Verified Statement of Facts). If the original named inventors have no firsthand knowledge of how the inventorship error occurred, they may simply so state. If no assignee exists that should be explicitly stated. Any consent of assignee must comply with 37 CFR 3.73(b) Establishing right of assignee to prosecute.

Receipt of the following items is acknowledged: Information Disclosure Statement filed January 31, 1995, and Formal Drawings filed August 11, 1995.

Further correspondence with respect to this matter should be

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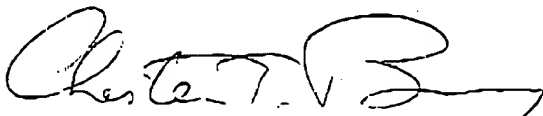
addressed as follows:

By mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: One Crystal Park, Suite 520
2011 Crystal Drive
Arlington, VA

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6713.



Chester T. Barry
Primary Examiner/Detailee
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gregory J. Rajala, Paul D. Suke, and Steven C. Gehling)	Examiner: Unknown
Serial No.:	08/382,108)	Group Art Unit: Unknown
Filed:	January 31, 1995)	Docket No. 11128
For:	DISPOSABLE GARMENT AND RELATED MANUFACTURING EQUIPMENT AND METHODS)	Date: March 31, 1995

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage prepaid envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

March 31, 1995
(Date)

Kimberly-Clark Corporation
Neenah, Wisconsin 54956
(414) 701-2000

Arline Kent

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Attn: Application Processing Division
Special Processing and Correspondence Branch

Dear Sir:

PETITION UNDER 37 C.F.R. 1.53(b) TO ACCORD A FILING DATE
AND
RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED

Pursuant to C.F.R. §1.53(b) and 1.17(i)(1), the Applicants herein petition to accord a filing date to the above-identified application in the name of all the inventors designated herein. Omission of Steven Craig Gehling's name was discovered on February 2, 1995, just two days after the initial filing of the application. The omission was due to a clerical error occurring during the simultaneous filing of eight (8) related patent applications on January 31, 1995. The error was made without deceptive intention and it is respectfully requested that Mr. Gehling be added as a joint inventor on this application and the application be accorded the above filing date. Please charge the petition fee of \$130.00 set forth in C.F.R. §1.17(i)(1) to Deposit Acct. 11-0875. A duplicate of this letter is attached for accounting purposes.

In addition, the captioned application was deposited with the U.S. Patent

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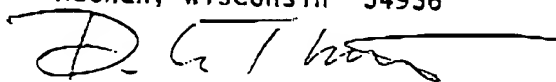
SPECIAL PROGRAMS

Serial No.: 08/382,108

and Trademark Office on January 31, 1995 for purposes of obtaining a filing date, the application papers thereof omitting the oath. Herewith please find that document fully executed by each actual inventor submitted in compliance with the provisions of 37 C.F.R. §1.63 along with a copy of Form PTO-1533, Notice To File Missing Parts of Application - Filing Date Granted. Please charge the surcharge of \$130.00 to Deposit Account No. 11-0875. A duplicate copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

KIMBERLY-CLARK CORPORATION
401 North Lake Street
Neenah, Wisconsin 54956



Donald L. Traut
Registration No. 27960
Attorney for Applicant(s)
Telephone: 414-721-2433